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DARKLAND

9 Attorneys for Plaintiff

**SEALED BY ORDER  
OF THE COURT**

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 OAKLAND BRANCH

14 UNITED STATES OF AMERICA,      } No. CR 11-00905 SBA  
15 Plaintiff,      }  
16 v.      } STIPULATION AND ~~PROPOSED~~  
17 SYLVESTER MOORE,      } ORDER TO SET STATUS  
18 Defendant.      } CONFERENCE ON AUGUST 10, 2012  
19  
(FILED UNDER SEAL)

20 The above-captioned matter was previously set on May 18, 2012 before District  
21 Court Judge Saundra B. Armstrong for a status conference. That date was vacated and  
22 the parties were instructed to set the matter before the Magistrate Court. The parties  
23 request that this Court set this matter for status conference on August 10, 2012 at 9:30  
24 a.m., and that the Court exclude time under the Speedy Trial Act between May 18, 2012  
25 and August 10, 2012. The parties stipulate that the time is excludable from the time  
26 limitations of the Speedy Trial Act because the interests of justice are served by granting  
27 a continuance, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

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1 Such continuance is required because defense counsel leaves for an overseas  
2 business trip on May 23, 2012, has a state appellate argument on June 13, 2012, and has  
3 three trials scheduled through early July. Defendant's attorney also needs time to research  
4 legal and factual issues. This continuance will allow the reasonable time necessary for  
5 effective preparation and continuity of counsel, taking into account the exercise of due  
6 diligence.

7 As such, the parties respectfully request that the time between May 18, 2012 and  
8 August 10, 2012 be excluded under U.S.C. § 3161(h)(7)(A) and (B)(iv).

9  
10 DATED: May 23, 2012

Respectfully submitted,

11 MELINDA HAAG  
United States Attorney

12 /s/ Christina McCall  
CHRISTINA McCALL  
Assistant United States Attorney

13 /s/ Paul DeMeester  
PAUL DeMEESTER  
Attorney for Sylvester Moore

17 **ORDER**

18 Based on the reason provided in the stipulation of the parties above, the Court  
19 hereby FINDS that for adequate preparation of the case by all parties, and in the interest  
20 of justice, pursuant to 18 U.S.C. sections 3161(h)(7)(A) and (B)(iv), an exclusion of time  
21 is warranted under the Speedy Trial Act. Based on these findings, IT IS HEREBY  
22 ORDERED THAT the hearing is continued until August 10, 2012 at 9:30 a.m. before the  
23 Magistrate Court, and time is excluded until August 10, 2012.

24 **IT IS SO ORDERED.**

25 DATED: 5/25/12

*Saundra B. Armstrong*

26 SAUNDRA B. ARMSTRONG  
United States District Court Judge

27  
28 STIPULATION AND EXCLUSION OF TIME  
CR 11-00905 SBA